

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

BLUE SPIKE, LLC,

*Plaintiff*

v.

AUDIBLE MAGIC CORPORATION

*Defendant*

Civil Action No. 6:15-CV-00584-RWS-CMC

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AUDIBLE MAGIC CORPORATION,

*Counterclaim Plaintiff*

v.

BLUE SPIKE, LLC, BLUE SPIKE, INC.  
and SCOTT A. MOSKOWITZ

*Counterclaim Defendants*

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BLUE SPIKE, LLC,

*Plaintiff*

v.

WIOFFER LLC, FACEBOOK INC.,  
MYSPACE LLC, SPECIFIC MEDIA LLC,  
PHOTOBUCKET.COM INC.,  
DAILYMOTION INC., DAILYMOTION  
S.A., SOUNDCLOUD INC.,  
SOUNDCLOUD LTD., MYXER INC.,  
QLIPSO INC., QLIPSO MEDIA  
NETWORKS LTD., YAP.TV INC.,  
GOMISO INC., IMESH INC., METACAFE  
INC., BOODABEE TECHNOLOGIES  
INC., TUNECORE INC., ZEDGE  
HOLDINGS INC., HARMONIX MUSIC  
SYSTEMS INC., BRIGHTCOVE INC.,  
COINCIDENT.TV INC., ACCEDO  
BROADBAND NORTH AMERICA INC.,  
ACCEDO BROADBAND AB,  
MEDIAFIRE LLC.

*Defendants*

Civil Action No. 6:15-CV-00585-RWS-CMC

**FINAL JUDGMENT**

Before the Court is the Joint Stipulation of Plaintiff and Counter-Defendant, Blue Spike LLC, Counter-Defendants Blue Spike Inc., and Scott A. Moskowitz and Defendants Audible Magic Corp. (“Audible Magic”), on behalf of itself and on behalf of its customers WiOffer LLC, Facebook Inc., Myspace LLC, Specific Media LLC, Photobucket.com Inc., Dailymotion Inc., Dailymotion S.A., Soundcloud Inc., Soundcloud Ltd., Myxer Inc., Qlipso Inc., Qlipso Media Networks Ltd., Yap.tv Inc., GoMiso Inc., Imesh Inc., Metacafe Inc., Boodabee Technologies Inc., Zedge Holdings Inc., Harmonix Music Systems Inc., Brightcove Inc., Coincident.tv Inc., Accedo Broadband North America Inc., Accedo Broadband AB and MediaFire LLC (collectively Audible Magic and its customers are the “Defendants”), to dismiss the claims, counterclaims and causes of action between them in the above-captioned case.

Based on the stipulation of the parties, and good cause appearing, the parties’ joint stipulation is APPROVED and SO ORDERED. Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT FINAL JUDGMENT IS ENTERED AS FOLLOWS:

1. Blue Spike LLC’s patent infringement claims against each and all of the Defendants are dismissed with prejudice;
2. Audible Magic’s counterclaims against each and all of Blue Spike LLC, Blue Spike Inc., and Scott A. Moskowitz are dismissed with prejudice;
3. The Defendants’ declaratory judgment counterclaims in this litigation against Blue Spike LLC, if any, are dismissed without prejudice;
4. Notwithstanding the foregoing, (1) neither this judgment, the entry of the stipulated dismissal of Blue Spike LLC’s infringement claims nor the dismissal of any of the Defendants’ counterclaims or defenses in the above-captioned case shall in any way waive any right of Facebook Inc. or its affiliates, subsidiaries or successors-in-interest (hereafter collectively referred

to as “Facebook”) to assert the same or similar counterclaims or defenses or to assert any other claim, counterclaims or defenses, in any other litigation between Blue Spike LLC, Blue Spike Inc., Scott A. Moskowitz (or their heirs and assigns) and Facebook, (2) the claim construction order in this case is not binding in any way on Facebook (under the doctrine of claim preclusion, issues preclusion, or any other legal or equitable doctrine) in any other litigation between Blue Spike LLC, Blue Spike Inc., Scott A. Moskowitz (or their heirs and assigns) and Facebook, and (3) the instant dismissal in this case shall have no res judicata or collateral estoppel effect as to any claim, counterclaim, or defense of Facebook in any other litigation between Blue Spike LLC, Blue Spike Inc., Scott A. Moskowitz (or their heirs or assigns) and Facebook;

5. Any pending motion or other requested relief is denied as moot;
6. The parties shall bear their own attorneys’ fees, expenses and costs in this litigation;
7. The Clerk of the Court shall close the following cases:
  - Blue Spike LLC v. Audible Magic Corp. et al., 6:15-cv-584-RWS-CMC, and
  - Blue Spike LLC v. WiOffer, LLC et al., 6:15-cv-585-RWS-CMC